

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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NEW YORK PERIODICAL DISTRIBUTORS, INC.

Plaintiff,

v.

Civil Action No.: 5:05-CV-66  
(FJS/DEP)

KENSINGTON PUBLISHING CORP. and  
PENGUIN GROUP (USA),

Defendants.

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**STIPULATION TO DISCONTINUE ACTION WITHOUT PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel of record for all parties herein that pursuant to Federal Rule of Civil Procedure 41(a)(1), this action shall be and is hereby dismissed without prejudice and without costs to either party.

Dated: August 2, 2005  
Syracuse, New York

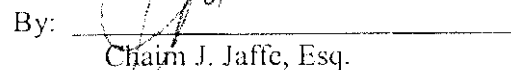
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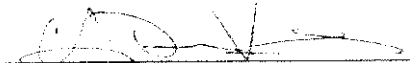
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Dated: August 17, 2005  
Syracuse, New York

**IT IS SO ORDERED:**

  
Hon. David E. Peebles  
United States Magistrate Judge  
Northern District of New York